

# **JOURNAL OF THE SENATE**

## **NINETY-FIRST SESSION**

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TENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Tuesday, January 26, 2016

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Michael Boyle, followed by the Pledge of Allegiance led by Senate page Mallory Gauer.

Roll Call: All members present except Sen. Frerichs who was excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the ninth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Gary Cammack, Chair

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration SB 21 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration SB 22 and returns the same with the recommendation that said bill be amended as follows:

22ya

On page 1, line 6, of the printed bill, delete "responder" and insert "technician, paramedic".

And that as so amended said bill do pass and be placed on the consent calendar.

Respectfully submitted,  
Craig Tieszen, Chair

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 60 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 57 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Respectfully submitted,  
R. Blake Curd, Chair

Also MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration SB 5 and returns the same with the recommendation that said bill be amended as follows:

5sa

On page 2, line 1, of the printed bill, delete everything after ".".

1 On page 2, delete lines 2 to 4, inclusive.

2 And that as so amended said bill do pass.

3 Also MR. PRESIDENT:

4 The Committee on Education respectfully reports that it has had under consideration SB 8  
5 and returns the same with the recommendation that said bill be amended as follows:

6 8ca

7 On page 2, line 6, of the printed bill, overstrike "person" and insert "instructor".

8 On page 2, line 10, after "~~facility~~" insert "at the time of initial employment".

9 And that as so amended said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Education respectfully reports that it has had under consideration SB 63  
12 and returns the same with the recommendation that said bill be amended as follows:

13 63fa

14 On page 1 of the printed bill, delete lines 11 to 14, inclusive.

15 On page 2, delete lines 1 to 14, inclusive.

16 And that as so amended said bill do pass and be placed on the consent calendar.

17 Respectfully submitted,  
18 Deb Soholt, Chair

19 **MESSAGES FROM THE HOUSE**

20 MR. PRESIDENT:

21 I have the honor to transmit herewith HB 1004, 1013, 1027, 1033, 1036, 1039, 1040, 1052,  
22 and 1055 which have passed the House and your favorable consideration is respectfully  
23 requested.

24 Respectfully,  
25 Arlene Kvislen, Chief Clerk

1                                   **MOTIONS AND RESOLUTIONS**

2           Sen. Brown moved that SB 28 be deferred to Wednesday, January 27<sup>th</sup>, the 11<sup>th</sup> legislative  
3 day.

4           Which motion prevailed.

5           Sen. Brown moved that when we adjourn tomorrow, Wednesday, January 27<sup>th</sup>, the  
6 11<sup>th</sup> legislative day, we adjourn to convene at 1:30 p.m. on Thursday, January 28<sup>th</sup>, the  
7 12<sup>th</sup> legislative day.

8           Which motion prevailed.

9                                   **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

10          The President declared that SB 61 was withdrawn at the request of the prime sponsor  
11 pursuant to Joint Rule 6B-1.1.

12          SB 84 Introduced by: Senators Haggard (Jenna) and Ewing and Representatives May,  
13 Conzet, Feickert, Klumb, and Schaefer at the request of the Interim Committee on County  
14 Government

15          FOR AN ACT ENTITLED, An Act to require municipalities to reimburse the counties for  
16 certain judicial and law enforcement expenditures.

17          Was read the first time and referred to the Joint Committee on Appropriations.

18          SB 85 Introduced by: Senators Haverly, Brown, Buhl O'Donnell, Ewing, Fiegen, Heineman  
19 (Phyllis), Novstrup (David), Olson, Omdahl, Parsley, Peters, Shorma, Soholt, Solano, Tieszen,  
20 and White and Representatives Verchio, Anderson, Bartling, Bolin, Conzet, Cronin, Gibson,  
21 Gosch, Hawks, Jensen (Alex), Novstrup (Al), Partridge, Rasmussen, Romkema, Wiik, and  
22 Wollmann

23          FOR AN ACT ENTITLED, An Act to revise certain provisions regarding motorcycle  
24 license plates.

25          Was read the first time and referred to the Committee on Transportation.

26          SB 86 Introduced by: Senator Peters and Representatives Cronin and Jensen (Alex)

27          FOR AN ACT ENTITLED, An Act to amend the 2017 General Appropriations Act to  
28 revise certain programs and promote efficiency in state government.

1 Was read the first time and referred to the Joint Committee on Appropriations.

2 SB 87 Introduced by: Senator Peters and Representatives Cronin and Jensen (Alex)

3 FOR AN ACT ENTITLED, An Act to revise certain programs and promote efficiency in  
4 state government and to make an appropriation therefor.

5 Was read the first time and referred to the Joint Committee on Appropriations.

6 SB 88 Introduced by: Senator Peters and Representatives Cronin and Jensen (Alex)

7 FOR AN ACT ENTITLED, An Act to revise certain programs and promote efficiency in  
8 state government.

9 Was read the first time and referred to the Joint Committee on Appropriations.

10 SB 89 Introduced by: Senators Brown, Greenfield (Brock), and Olson and Representatives  
11 Brunner, Craig, Duvall, Feickert, Klumb, McCleerey, Rounds, and Willadsen

12 FOR AN ACT ENTITLED, An Act to revise certain provisions related to permits to carry  
13 a concealed pistol.

14 Was read the first time and referred to the Committee on Judiciary.

15 SB 90 Introduced by: Senators Holien, Brown, Greenfield (Brock), Rampelberg, Tieszen,  
16 and Van Gerpen and Representatives Tulson, Bolin, Brunner, Hawley, Holmes, Johns,  
17 Kirschman, Marty, Mickelson, Russell, Solum, and Wiik

18 FOR AN ACT ENTITLED, An Act to ensure that members of the public are able to access  
19 and record public meetings.

20 Was read the first time and referred to the Committee on Judiciary.

21 SB 91 Introduced by: Senators Holien, Brown, Greenfield (Brock), Heineman (Phyllis),  
22 Novstrup (David), Olson, Omdahl, Otten (Ernie), and Rampelberg and Representatives Bolin,  
23 Deutsch, Johns, Latterell, Novstrup (Al), Rozum, Solum, and Tulson

24 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the information  
25 on the forms provided to persons who sign initiated constitutional amendments or initiated  
26 measures.

27 Was read the first time and referred to the Committee on State Affairs.

SB 92 Introduced by: Senators Haverly, Brown, Cammack, Ewing, Fiegen, Heineman (Phyllis), Novstrup (David), Omdahl, Peters, Rampelberg, Soholt, Solano, Tidemann, Tieszen, Vehle, and White and Representatives Partridge, Beal, Conzet, Cronin, Dryden, Duvall, Harrison, Jensen (Alex), Langer, Mickelson, Peterson (Kent), Ring, Schoenfish, Sly, and Wollmann

FOR AN ACT ENTITLED, An Act to continue a math pilot project at the South Dakota School of Mines and Technology, to make an appropriation therefor, and to declare an emergency.

Was read the first time and referred to the Committee on Education.

SB 93 Introduced by: Senators Solano, Bradford, Fiegen, Frerichs, Hagggar (Jenna), Olson, Peters, and Tieszen and Representatives Sly, Bolin, Conzet, Craig, Dryden, Hunhoff (Jean), Munsterman, Partridge, Rozum, and Stalzer

FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the homestead exemption.

Was read the first time and referred to the Committee on Judiciary.

SB 94 Introduced by: Senators Rusch, Bradford, Buhl O'Donnell, Frerichs, Heinert, Hunhoff (Bernie), Parsley, Peterson (Jim), and Sutton and Representatives Johns, Bartling, Bordeaux, Conzet, Deutsch, Feickert, Heinemann (Leslie), Holmes, Killer, Kirschman, Ring, Schoenbeck, Schoenfish, Soli, and Steinhauer

FOR AN ACT ENTITLED, An Act to repeal the death penalty.

Was read the first time and referred to the Committee on State Affairs.

## FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1004: FOR AN ACT ENTITLED, An Act to make form and style revisions to certain statutes regarding counties.

Was read the first time and referred to the Committee on Local Government.

HB 1013: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding alternative instruction achievement tests for children excused from school attendance.

Was read the first time and referred to the Committee on Education.

1 HB 1027: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
2 licensure of massage therapists.

3 Was read the first time and referred to the Committee on Health and Human Services.

4 HB 1033: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning  
5 elections and election petitions and to declare an emergency.

6 Was read the first time and referred to the Committee on Local Government.

7 HB 1036: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning  
8 campaign finance requirements.

9 Was read the first time and referred to the Committee on Local Government.

10 HB 1039: FOR AN ACT ENTITLED, An Act to revise various trust and trust company  
11 provisions and to establish and regulate South Dakota special spousal trusts.

12 Was read the first time and referred to the Committee on State Affairs.

13 HB 1040: FOR AN ACT ENTITLED, An Act to revise and implement certain provisions  
14 regarding the regulation of risk retention groups.

15 Was read the first time and referred to the Committee on Commerce and Energy.

16 HB 1052: FOR AN ACT ENTITLED, An Act to revise certain alcoholic beverage business  
17 restrictions on Department of Revenue employees.

18 Was read the first time and referred to the Committee on Commerce and Energy.

19 HB 1055: FOR AN ACT ENTITLED, An Act to clarify that a gift of real property does not  
20 require a disclosure statement.

21 Was read the first time and referred to the Committee on Judiciary.

1                   **SECOND READING OF CONSENT CALENDAR ITEMS**

2           SB 6: FOR AN ACT ENTITLED, An Act to revise certain performance security  
3 requirements for public improvement contracts.

4           Was read the second time.

5           The question being "Shall SB 6 pass?"

6           And the roll being called:

7           Yeas 34, Nays 0, Excused 1, Absent 0

8           Yeas:

9   Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock);  
10 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
11 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
12 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
13 White

14          Excused:

15   Frerichs

16          So the bill having received an affirmative vote of a majority of the members-elect, the  
17 President declared the bill passed and the title was agreed to.

18          HB 1026: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the  
19 annual inspection requirement for licensed health care facilities.

20          Was read the second time.

21          The question being "Shall HB 1026 pass?"

22          And the roll being called:

23          Yeas 34, Nays 0, Excused 1, Absent 0

24          Yeas:

25   Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock);  
26 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
27 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
28 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
29 White

30          Excused:

31   Frerichs



1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 President declared the bill passed and the title was agreed to.

3 HB 1028: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete  
4 statutes related to the Department of Health.

5 Was read the second time.

6 The question being "Shall HB 1028 pass?"

7 And the roll being called:

8 Yeas 34, Nays 0, Excused 1, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock);  
11 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
12 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
13 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
14 White

15 Excused:

16 Frerichs

17 So the bill having received an affirmative vote of a majority of the members-elect, the  
18 President declared the bill passed and the title was agreed to.

19 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

20 SB 27: FOR AN ACT ENTITLED, An Act to revise certain personnel requirements for  
21 ambulance services and to repeal the hardship exemption.

22 Was read the second time.

23 The question being "Shall SB 27 pass?"

24 And the roll being called:

25 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock);  
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
5 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;  
6 White

7 Excused:

8 Frerichs

9 So the bill having received an affirmative vote of a majority of the members-elect, the  
10 President declared the bill passed and the title was agreed to.

11 Sen. Heineman moved that the Senate do now adjourn, which motion prevailed and at  
12 2:31 p.m. the Senate adjourned.

13 Kay Johnson, Secretary